632

(2)

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 13th June, 1949

No. LR 2 (205).—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to constitute an Industrial Tribunal consisting of the following members, for the adjudication of industrial disputes in banking companies, namely,

1. Mr. K. C. Sen, President, Industrial Court, Bombay and retired Judge of the High Court of Judicature, Bombay—*Chairman.*
2. Mr. S. P. Varma, Chairman, Industrial Tribunal, Dhanabad and retired Judge of the High Court of Judicature, Patna—*Member.*
3. Mr. J. N. Majumdar, Retired Judge of the High Court of Judicature, Calcutta—*Member.*

ORDER

New Delhi, the 13th June 1949

No. LR 2 (212).—Whereas an industrial dispute has arisen between the banking companies mentioned in Schedule I annexed hereto (including their branches) and their employees in respect, so far as the Central Government is aware of the matters specified in Schedule II hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (*c*) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted under section 7 of the said Act by Notification of the Government of India in the Ministry of Labour No. LR-2 (205), dated the 13th June, 1949.

SCHEDULE I.

(List of Scheduled banks having branches in more than one Province or State).

GROUP A.

(*i*) Banks having deposits of over Rs. 50 crores.—

1. Imperial Bank of India.
2. Central Bank of India, Ltd.
3. Bank of India, Ltd.

633

(ii) Exchange Banks.—

1. Bank of China, Ltd.
2. Chartered Bank of India, Australia and China.
3. Comptoir National D'Escompete de Paris.
4. Eastern Bank, Ltd.
5. Grindlays Bank, Ltd.
6. Hongkong and Shangai Banking Corporation.
7. Lloyds Bank, Ltd.
8. Mercantile Bank of India, Ltd.
9. National Bank of India, Ltd.
10. National City Bank of New York.
11. Netherlands India Commercial Bank.
12. Netherlands Trading Society.

GROUP B.

Other scheduled banks having deposits between Rs. 15 and 50 crores.

1. Allahabad Bank, Ltd.
2. Bank of Baroda, Ltd.
3. Indian Bank, Ltd.
4. Punjab National Bank, Ltd.
5. United Commercial Bank, Ltd.

GROUP C.

Other scheduled banks.—

1. Andhra Bank, Ltd.
2. Bank of Assam, Ltd.
3. Bank of Behar, Ltd.
4. Bank of Bikaner, Ltd.
5. Bank of Jaipur, Ltd.
6. Bank of Maharashtra, Ltd.
7. Bank of Mysore, Ltd.
8. Bank of Nagpur, Ltd.
9. Bank of Rajasthan, Ltd.
10. Bengal Central Bank, Ltd.
11. Bharat Bank, Ltd.
12. Bharatha Lukshmi Bank, Ltd.
13. Calcutta National Bank, Ltd.
14. Canara Bank, Ltd.
15. Canara Banking Corporation, Ltd.
16. Canara Industrial and Banking Syndicate, Ltd.
17. Comilla Banking Corporation, Ltd.
18. Comilla Union Bank, Ltd.
19. Devakaran Nanji Banking Company, Ltd.
20. Dinajpore Bank, Ltd.
21. Gadodia Bank, Ltd.
22. Habib Bank, Ltd.

23. Hind Bank, Ltd.
24. Hindustan Commercial Bank, Ltd.
25. Hindustan Mercantile Bank, Ltd.
26. Hyderabad State Bank, Ltd.
27. Indian Overseas Bank, Ltd.
28. Indo-Commercial Bank, Ltd.
29. Indo-Mercantile Bank, Ltd.
30. Jodhpur Commercial Bank, Ltd.
31. Laxmi Bank, Ltd.
32. Mercantile Bank of Hyderabad, Ltd.
33. Narang Bank of India, Ltd.
34. Nath Bank, Ltd.
35. National Bank of Lahore, Ltd.
36. National Savings Bank, Ltd.
37. Nedungadi Bank, Ltd.
38. New Citizen Bank of India, Ltd.
39. Oriental Bank of Commerce, Ltd.
40. Palai Central Bank, Ltd.
41. Prabhat Bank, Ltd.
42. Pratap Bank, Ltd.
43. Punjab & Sind Bank, Ltd.
44. Punjab Co-operative Bank, Ltd.
45. Southern Bank, Ltd.
46. South India Bank, Ltd.
47. South Indian Bank, Ltd.
48. Travancore Bank, Ltd.
49. Travancore Forward Bank, Ltd.
50. Union Bank of India, Ltd.
51. United Industrial Bank, Ltd.
52. Vysya Bank, Ltd.

Group D.

(Banks which have suspended payments or are granted moratorium or are prohibited from accepting fresh deposits or are in liquidation).

1.	Calcutta Commercial Bank, Ltd.	Under Moratorium.
2.	Exchange Bank of India and Africa, Ltd.	Provisional liquidator appointed.
3.	Jwala Bank, Ltd.	Prohibited from accepting fresh deposits.
4.	Laxmi Commercial Bank, Ltd.	Working under scheme of arrangements.
5.	Mahaluxmi Bank, Ltd.	Under moratorium.
6.	New Bank of India, Ltd.	Working under scheme of arrangements.
7.	Noakhali Union Bank, Ltd.	Under moratorium.
8.	Pioneer Bank, Ltd.	Under moratorium.
9.	Traders Bank, Ltd.	Working under scheme of arrangements.
10.	Tripura Modern Bank, Ltd.	Application for scheme of arrangement pending.

 635

(List of non-scheduled banks having offices in more than one Province or State).

GROUP A.

Bank working normally.

1. Agricultural and Industrial Bank, Ltd., Coondapur.
2. All-India Bank, Ltd., Calcutta.
3. Ambat Bank, Ltd., Chittur, Cochin.
4. Associated Bank of Tripura, Ltd., Calcutta.
5. B. & A. Bank, Ltd., Calcutta.
6. Bank of Indore, Ltd., Indore.
7. Bank of Industries, Ltd., Calcutta.
8. Bank of Sirmur, Ltd., Sirmur.
9. Benares State Bank, Ltd., Benares State.
10. Bengal Bank, Ltd., Calcutta.
11. Bengal Express Bank, Ltd., Calcutta.
12. Bengal Oriental Bank, Ltd., Comilla, E.P.
13. Bharat National Bank, Ltd., Chakradharpur, Bihar.
14. Bharata Bank, Ltd., Piravom, Travancore State.
15. Bishanupur Bank, Ltd., Bishanupur, Bengal.
16. Catholic Syrian Bank, Ltd., Trichur, Cochin.
17. Catholic Union Bank, Ltd., Mela, Cochin.
18. Central Calcutta Bank, Ltd., Calcutta.
19. Central Mercantile Bank, Ltd., Monghyr, Bihar.
20. Chaldean Syrian Bank, Ltd., Trichur, Cochin.
21. Cochin Commercial Bank, Ltd., Cochin.
22. Cochin Nayar Bank, Ltd., Trichur, Cochin.
23. Cochin Union Bank, Ltd., Cochin.
24. Coconada Radhasoami Bank, Ltd., Coconada, Madras.
25. Comilla Commercial Bank, Ltd., Calcutta.
26. Depositors Bank, Ltd., Lahore, West Punjab.
27. Dhanalakshmi Bank, Ltd., Trichur, Cochin.
28. East Bengal Bank, Ltd., Calcutta.
29. Gauhati Bank, Ltd., Gauhati, Assam.
30. G. Raghunathmull Bank, Ltd., Hyderabad (Deccan).
31. Hindu Bank, Karur, Ltd., Trichinopoly, Madras.
32. Indian Insurance and Banking Corporation, Ltd., Trichur, Cochin.
33. Indian Relief Bank, Ltd., Madras.
34. India's Ideal Banking Corporation, Ltd., Bangalore.
35. Inland Bank, Ltd., Calcutta, (H.O.) Patna.
36. Jayalaxmi Bank, Ltd., Mangalore, S. Canara, Madras.
37. Joona Bank, Ltd., Hattancharry, Cochin.
38. Karnataka Bank, Ltd., Mangalore, S. Canara, Madras.
39. Lord Krishna Bank, Ltd., Cranganoor, Cochin.
40. Loyal Bank, Ltd., Chandpur, East Pakistan.
41. Maharashtra Apex Bank, Ltd., Udipi, S. Kanara, Madras.
42. Malabar Bank, Ltd., Trichur, Madras.
43. Malarkode Bank, Ltd., Palghat.
44. Manindra Banking Corporation, Ltd., Berhampur.
45. Mannar Bank, Ltd., Mannar, (*via*) Mavelikara, Travancore.
46. Model Bank of India, Ltd., Calcutta.
47. National Central Bank, Ltd., Calcutta.
48. National City Bank, Ltd., Jullundur.

49. Orient Bank of India, Ltd., Patna.
50. Overland Bank, Ltd., Calcutta.
51. People's Credit Bank, Ltd., Calcutta.
52. Prabhakar Bank, Ltd., Moodbidri, S. Kanara.
53. Provincial Union Bank, Ltd., Calcutta.
54. Punjab Central Bank, Ltd., Delhi.
55. Sakti Bank, Ltd., Calcutta.
56. Safe Bank, Ltd., Nagpur City.
57. Sonapur Bank, Ltd., Calcutta.
58. Sterling Bank, Ltd., Calcutta.
59. Suburban Bank, Ltd., Trichur.
60. Thomco Bank, Ltd., Alleppey, Travancore.
61. Tripura State Bank, Ltd., Agartala, Tripura State.
62. United Calcutta Bank, Ltd., Calcutta.
63. United Central Bank, Ltd., Calcutta.
64. Union Bank of Bengal, Ltd., Calcutta.
65. U. P. Union Bank, Ltd., Gonda, U. P.
66. Vijaya Bank, Ltd., Mangalore, S. Kanara, Madras.

GROUP B.

Banks which are working under scheme of arrangement or are in liquidation, etc.

1.	Aryan Bank, Ltd., Calcutta	Working under scheme of arrangement.
2.	Assam Bengal Central Industrial Bank, Ltd., Silchar.	Defunct though its affairs are not wound up formally.
3.	Associated Bank of India, Ltd., Calcutta.	Working under scheme of arrangement.
4.	Bengal Union Bank, Ltd., Calcutta ..	Working under scheme of arrangement.
5.	Bharat Mercantile Bank, Ltd., Calcutta.	Reported to be in voluntary liquidation.
6.	Calcutta Mercantile Bank, Ltd., Calcutta.	Provisional liquidator was appointed and later discharged. Copy of Court order awaited.
7.	Dass Bank, Ltd., Calcutta	Petition for sanction of scheme of arrangement pending in the Court.
8.	Dhakuria Banking Corporation, Ltd., Calcutta.	Stated to have closed its doors from 15th September 1948.
9.	Eastern Traders Bank, Ltd., Calcutta.	Petition for its winding up pending in Court.
10.	Girish Bank, Ltd., Calcutta	Scheme of arrangement pending for final sanction.
11.	Hazardi Bank, Ltd., Calcutta ..	According to press reports the bank has been ordered by the Court to be compulsorily wound up.
12.	Indian National Bank, Ltd., Calcutta	Working under scheme of arrangement.
13.	National Chamber's Bank, Ltd., Gauhati.	Reported to be defunct.

200
837

14.	National Economic Bank, Ltd., Calcutta.	Petition for its winding up pending before Calcutta High Court.
15.	Northern Bank, Ltd., Calcutta ..	Working under scheme of arrangement.
16.	Public National Bank, Ltd., Calcutta.	Latest position not known.
17.	Punjab and Kashmir Bank, Ltd., Delhi.	Under scheme of arrangement.
18.	Sahukara Bank, Ltd., Ludhiana ..	Under scheme of arrangement.
19.	Shillong Banking Corporation, Ltd., Shillong.	Scheme of arrangement pending.
20.	Simla Banking and Industrial Co., Ltd., Simla.	Applied for scheme of arrangement.
21.	Sonar Bangla Bank, Ltd., Calcutta ..	Working under scheme of arrangement.
22.	Suburban Bank, Ltd., Calcutta ..	Ordered to be compulsorily wound up.

SCHEDULE II

1. Scales of pay, including :—

(*a*) whether the remuneration of employees and their periodical increment should be correlated to their efficiency and attendance, and

(*b*) whether, if basic scales are recommended, such scales of pay of particular categories should be uniform all over India and whether the difference in the cost of living of the various centres should be adjusted by the grant of compensatory allowances.

2. Rules for fitting the existing staff into the revised scales of pay.

3. Dearness allowance to staff as well as pensioners. Can a portion of the dearness allowance be transferred to, and absorbed in, the basic wage? In particular can this be done in the case of banks in the United Provinces in respect of the allowance payable at the commencement of Shri B. B. Singh's award?

4. House rent allowance. If this allowance is payable, should it be paid to all employees falling under the category of workmen?

5. Other allowances payable, for example, children's allowance, conveyance allowance for clerks for journeys to and from the clearing house, outstation allowance to members of the Cash Department going out with cash.

6. Bonus, including the qualifications for eligibility and method of payment.

7. Provident fund, including the rate of contribution and the rate of interest.

8. Gratuity, including whether it should be compulsory or *ex-gratia*? Does the scheme recommended by Shri B. B. Singh for the United Provinces in his award need revision?

9. Pension, including the question whether any pension scheme should be introduced in banks having Provident Fund and/or Gratuity Schemes.

10. Guarantee Fund.

11. Insurance against old age, sickness, death or injury from accidents in the course of the discharge of duties.

12. Leave Rules.

13. Hours of working and overtime.

14. Medical aid and expenses.

638

15. Cash deposits, fidelity bonds and other securities to be furnished by staff including the questions :—

(*a*) Whether failure to furnish such security should operate as a ban on confirmation, and

(*b*) whether the schme of security and guarantee introduced by the Punjab National Bank Ltd., is suitable.

16. Recognition of (1) The Punjab National Bank Employees' Union (East Punjab); (ii) The Bharat Bank Employees' Union, Delhi; (iii) The United Province Employees' Unions.

17. Method of recruitment, terms and conditions of service and procedure for termination of employment or for taking other disciplinary action.

18. Retrenchment and victimisation (Specific cases to be cited by employees).

19. Payment of workers reinstated under item 18.

20. Whether income and professional taxes payable by employees should be paid on their behalf by banks ?

21. Utilization of proceeds from fines.

22. Subsistence allowance during periods of suspension.

23. Whether head cashiers or treasurers' representatives or any employees who perform their functions are to be treated as Department Incharges.

24. Waiving of age restrictions for promotion to supervisory grades.

25. Policy regarding transfer of employees.

26. Travelling allowance and joining time on transfer.

27. Whether cash compensation is payable to employees of branches situated in Pakistan who have had to come away to India and have not been employed in the Branches in India.

28. Should bank pensioners be entitled to accept employment after retirement with or without the permission of the banks from which they draw their pensions.

29. Return of quarters to peons, etc. of Bharat Bank, Ltd., Delhi, who were deprived of quarters after the strike in December 1948.

30. Right to existing terms of service where they are more liberal than those of the awards of this Tribunal.

31. Rules regarding promotions.

32. Works Committees—Should they be established or not ?

33. Should banks be classified into different categories for the purposes of this adjudication and if so, on what lines ?

34. How should branch officers be classified, having regard to the extent of their business.

35. Should shops and commercial establishments acts and similar provincial enactments apply to all banks without exception ?

36. Standing Orders regulating the conditions of service of bank employees and the procedure in making amendments to them.

37. Categories of employees to whom the award of the Tribunal is applicable.

38. In what manner and to what extent do the decisions of the Tribunal require modification in the case of employees of banks under liquidation or moratorium.

NOTE :—This list is *not* intended to be exhaustive.

K. N. SUBRAMANIAN,
Joint Secretary.

(Vide *Gazette of India*, Extraordinary, dated June 13, 1949, p. 995.)

639

(3)

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 12th August 1949

No. LR-2 (212).—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour, No. LR-2 (212), dated the 13th June 1949, namely :—

In the said Order, after the words "whereas an industrial dispute has arisen", the words "or is apprehended" shall be inserted.

K. N. SUBRAMANIAN,
Joint Secretary.

(Vide *Gazette of India*, Part I—Section 1, dated September 20, 1949, p. 1127.)

(4)

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

NOTIFICATION

New Delhi the 6th February 1950

No. LR-2 (272).—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour No. LR-2 (212), dated the 13th June 1949 as subsequently amended namely :—

In Schedule I to the said Order, under Group C of the list of schedule banks having branches in more than one province or state the words and figures "22 Habib Bank Ltd." shall be deleted, and under Group B of the list the words and figures "6. Habib Bank Ltd." shall be inserted at the end.

S. C. AGGARWAL,
Deputy Secretary to the Government of India.

(Vide *Gazette of India*, Part I—Section 1, dated February 18, 1950, p. 242.)

(5) 670

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

ORDER

New Delhi, the 28th September 1949

No. IR-2(212).—Whereas an industrial dispute arose in about June 1949 and still exists between the banking companies mentioned in Schedule I annexed here (including their branches) and their employees in respect, so far as the Central Government is aware, of the matters specified in Schedule II hereto annexed;

And whereas the Central Government considers it desirable to refer the dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to refer the said dispute for adjudication to the Industrial Tribunal constituted under section 7 of the said Act by Notification of the Government of India in the Ministry of Labour No. LR-2(205), dated the 13th June 1949, as amended from time to time.

SCHEDULE I

(*List of scheduled banks having branches in more than one Province*)

GROUP A.—(ii) *Exchange Banks.*—

1. American Express Company Inc.

(*List of non-scheduled banks having branches in more than one Province*)

GROUP A.—*Banks working Normally.*

1. Palli Bank Ltd., Daulatpur East Pakistan.
2. Shree Bharat Industrial Bank Ltd., Calcutta.
3. Sunrise Bank Ltd., Agartala, Tripura State.

GROUP B.—*Banks which are working under scheme of arrangement or are in liquidation, etc.*

1. Allied Exchange Bank Ltd., Calcutta—Gone into liquidation.
2. Bank of Calcutta Ltd., Calcutta—Gone into liquidation.
3. Bharati Central Bank Ltd., Calcutta—Gone into liquidation.
4. Bogra City Bank Ltd., Calcutta—Gone into liquidation.
5. Calcutta City Bank Ltd., Calcutta—Gone into liquidation.
6. Calcutta Industrial Bank Ltd., Calcutta—Gone into liquidation.
7. Central Commercial Bank Ltd., Calcutta—Gone into liquidation.
8. Continental Bank of Asia Ltd., Calcutta—Gone into liquidation.
9. Darjeeling Bank Ltd., Calcutta—Gone into liquidation.
10. Eastern Continental Bank Ltd., Calcutta—Gone into liquidation.
11. Economic Bank Ltd., Calcutta—Gone into liquidation.
12. East India Commercial Bank Ltd., Calcutta—Working under scheme of arrangement.

13. First National Bank Ltd., Ludhiana—Working under scheme of arrangement.
14. Great Eastern Bank Ltd., Calcutta—Gone into liquidation.
15. Hindustan Industrial Bank Ltd., Calcutta—Gone into liquidation.
16. Hindustan Standard Bank Ltd., Calcutta—Gone into liquidation.
17. India Exchange Bank Ltd., Calcutta—Gone into liquidation.
18. Indian Peoples' Bank Ltd., Calcutta—Gone into liquidation.
19. Kuver Bank Ltd., Calcutta—Gone into liquidation.
20. Mandi Bank Ltd., Lahore—In liquidation.
21. New National Bank Ltd., Calcutta—Gone into liquidation.
22. New Hindustan Bank Ltd., Amritsar—Gone into liquidation.
23. National Security Bank Ltd., Bombay—Gone into liquidation.
24. Pacific Bank Ltd., Calcutta—Gone into liquidation.
25. Pioneer Commercial Bank Ltd., Calcutta—Gone into liquidation.
26. Puri Bank Ltd., Puri—Gone into liquidation.
27. Radiant Bank Ltd., Comilla, East Pakistan—Working under scheme of arrangement.
28. Sree Luxmi Bank Ltd., Karimganj—Gone into liquidation.
29. Surma Valley Bank Ltd., Sylhet—Working under scheme of arrangement.
30. Standard Bank Ltd., Sylhet—Present position not known.
31. Tripura Popular Bank, Ltd., Calcutta—Gone into liquidation.

SCHEDULE II

1. Scales of pay, including—
   (*a*) whether the remuneration of employees and their periodical increments should be correlated to their efficiency and attendance, and ..... if basic scales are recommended, such scales of pay of particular categories should be a uniform all over India and whether the differences in the cost of living of the various places should be adjusted by the grant of compensatory allowances.

2. Rules for fitting the existing staff into the revised scales of pay.
3. Dearness allowance to staff as well as pensioners. Can a portion of the dearness allowance be transferred to, and absorbed in, the basic wages. In particular, can this be done in the case of banks in the United Provinces in respect of the allowance payable at the commencement of Shri B. B. Singh's award ?
4. House rent allowance. If this allowance is payable, should it be paid to all employees falling under the category of workmen ?
5. Other allowances payable, for example, children's allowance, conveyance allowance for clerks for journeys to and from the clearing house, outstation allowance to members of the Cash Department goin out with cash.
6. Bonus, including the qualifications for eligibility and method of payment.
7. Provident fund, including the rate of contribution and the rate of interest.
8. Gratuity, including whether it should be compulsory or *ex-gratia* ? Does the scheme recommended by Shri B. B. Singh for the United Provinces in his award need revision ?

9. Pension, including the question whether any pension scheme should be introduced in banks having Provident Fund and/or Gratuity Schemes.

10. Guarantee Fund.

11. Insurance against old age, sickness, death or injury from accidents in the course of the discharge of duties.

12. Leave Rules.

13. Hours of work and overtime.

14. Medical aid and expenses.

15. Cash deposits, fidelity bonds and other securities to be furnished by staff, including the questions :—

(*a*) whether failure to furnish such security should operate as a ban on confirmation, and

(*b*) whether the scheme of security and guarantee introduced by the Punjab National Bank, Ltd., is suitable.

16. Recognition of (i) The Punjab National Bank Employees' Union (East Punjab), (ii) The Bharat Bank Employees' Union, Delhi, (iii) The United Provinces Bank Employees' Unions.

17. Method of recruitment, terms and conditions of service and procedure for termination of employment or for taking other disciplinary action.

18. Retrenchment and victimisation (specific cases to be cited by employees).

19. Payment of workers reinstated under item 18.

20. Whether income and professional taxes payable by employees should be paid on their behalf by banks ?

21. Utilization of proceeds from fines.

22. Subsistence allowance during periods of suspension.

23. Whether head cashiers' or treasurers' representatives or any employees who perform their functions are to be treated as Departmental Incharges.

24. Waiving of age restrictions for promotion to supervisory grades.

25. Policy regarding transfer of employees.

26. Travelling allowance and joining time on transfer.

27. Whether cash compensation is payable to employees of branches situated in Pakistan who have had to come away to India and have not been employed in the Branches in India.

28. Should bank pensioners be entitled to accept employment after retirement with or without the permission of the banks from which they draw their pensions ?

29. Return of quarters to peons, etc., of Bharat Bank Ltd., Delhi, who were deprived of quarters after the strike in December 1948.

30. Right to existing terms of service where they are more liberal than those of the awards of this Tribunal.

31. Rules regarding promotions.

32. Works Committees—should they be established or not ?

33. Should banks be classified into different categories for the purposes of this adjudication and if so, on what lines ?

34. How should branch offices be classified, having regard to the extent of their business ?

35. Should shops and commercial establishments acts and similar provincial enactments apply to all banks without exception ?

36. Standing Orders regulating the conditions of service of bank employees and the procedure in making amendments to them.

37. Categories of employees to whom the award of the Tribunal is applicable.

38. In what manner and to what extent do the decisions of the Tribunal require modification in the case of employees of banks under liquidation or moratorium ?

NOTE.—This list is not intended to be exhaustive.

N. C. KUPPUSWAMI,
Under Secretary.

(Vide *Gazette of India*, Extraordinary, dated October 3, 1949, p. 1865.)

644

APPENDIX II

List of Regional and other Unions of Bank Employees which filed Statements of Claims before the Tribunal.

Serial No.	State		Name of the Union or Association	Place
1.	Assam		Gauhati Bank Employees' Association	Gauhati.
2.	Bihar		Bank of Bihar Employees' Association	Patna.
			Behar Bharat Bank Employees' Union	,,
			Behar Bharat Bank Employees' Sub-Union	Jahanabad.
			Bharat Bank Employees' Union	Gaya.
			Bihar Provincial Central Bank of India Employees' Association.	Patna.
			Central Bank of India. Employees' Association.	,,
		(R)	Gaya District Bank Employees' Association.	Gaya.
			Punjab National Bank Employees' Association.	Jamshedpur.
3.	Bombay	(R)	Ahmedabad Banks' Employees' Union	Ahmedabad.
			Bank of India, Limited Staff Union	,,
		(R)	Federation of Bank Employees	Bombay.
			Imperial Bank of India, Indian Staff Association (Bombay Circle).	,,
			Imperial Bank of India Staff Association (Bombay Circle).	Poona.
			Imperial Bank of India Staff Federation	Poona City.
			National Bank of India (Bombay Branch) Clerks' Union.	Bombay.
			Punjab National Bank, Limited Employees' Union.	,,
		(R)	Surat Bank Employees' Union	Surat.
		(R)	Vadodra Rajiya Bank Nakor Sangh	Baroda.
4.	Madras		Andhra Bank Employees' Union	Masulipatam.
			Canara Bank Staff Association	Madras.
			Central Bank of India Employees' Association.	,,
			Commercial Employees' Association	,,
			Imperial Bank of India Indian Staff Union (Madras Circle).	,,
			Indian Staff Union of the National Bank of India. Limited, (Madras Branch).	,,
5.	Punjab		Hindustan Commercial Bank Employees' Union.	Batala.
			Punjab National Bank Employees' Union	Ludhiana.
6.	U.P.	(R)	U.P. Bank Employees' Union	Kanpur.
		(R)	U.P. Bank Employees' Union	Musoorie.
		(R)	U.P. Bank Employees' Union	Muzaffarnagar.
7.	West Bengal		Allahabad Bank Indian Staff Association	Calcutta.
			Bank of Assam Employees' Association	,,
			Bank of Bihar, Limited Employees' Union	,,
			Bank of India, Limited Employees' Union	,,
			Bengal Central Bank Employees' Association	,,
			Bharat Bank, Calcutta Employees' Association	,,
			Central Bank of India Employees' Association.	,,
			Comilla Banking Corporation Employees' Association.	,,

Serial No.	State		Name of the Union or Association	Place
			Comilla Union Bank Employees' Association.	Calcutta.
			Eastern Bank, Calcutta Branch Indian Employees' Union.	„
			Grindlays Employees' Association	„
			Hind Bank Employees' Union	„
			Hindustan Commercial Bank Employees' Association (Bengal Circle).	„
			Hindustan Mercantile Bank Employees' Union.	„
			Hongkong and Shanghai Banking Corporation Indian Staff Union.	„
			Imperial Bank of India Indian Staff Association (Bengal Circle).	„
			Lloyds Bank Indian Staff Association	„
			Mercantile Bank of India, Limited Employees' Union.	„
			Nath Bank Employees' Association	„
			National Bank of India, Limited (Calcutta Branch) Indian Staff Union.	„
			Netherlands India Commercial Bank Employees' Union.	„
			Punjab National Bank Employees' Union	„
			United Commercial Bank, Limited Employees' Association.	„
8.	Delhi		Allahabad Bank Employees' Union	Delhi.
			Bharat Bank Employees' Union	„
			Punjab National Bank, Limited Employees' Union.	„
			Punjab National Bank, Limited Workmen's Union.	„
9.	Other areas	(R)	Bank of Employees' Union	Bangalore.
		(R)	Bank Employees' Union	Rajkot.
			Bank of Rajasthan Employees' Union	Jaipur.
		(R)	Bhilwara Bank Employees' Union	Bhilwara.
		(R)	Kotah Bank Employees' Union	Kotah.
			Nedungadi Bank Employees' Association	Trichur.
		(R)	Rajasthan Bank Employees' Union	Jaipur.

(R):—Regional Unions or Associations.

676

APPENDIX III

Summaries and Extracts of the Tribunal's Interim Relief Awards

The first of such awards concerned the banking companies in Uttar Pradesh[1]. The Tribunal held that the employees could succeed in their demand for interim relief only if they could show that the cost of living had gone up so greatly since the date of Mr. Singh's award that it was imperative at the present stage that the Tribunal should give them immediate relief without waiting for the final adjudication. The only place in the State relating to which the cost of living index figures had been published regularly was Kanpur. Those figures were regarded as fairly representing the cost of living, and the increases therein at the following big towns of the State, *viz.*, Lucknow, Agra, Meerut, Bareilly, Kanpur, Banaras and Gorakpur, the increase in other places being taken to be some what lower. It was further held that no great injustice would be done if the published figures of cost of living indices for "working class" was relied upon for the purposes of the award. The increase in the cost of living since the date of Mr. B. B. Singh's award was found to be roughly 33 1/3 per cent. This appeared to the Tribunal to be so substantial an increase that some immediate relief to the employees was called for, the necessity for such relief outweighing the considerations that have been urged on behalf of the banks. On these grounds an increase of 33 1/3 per cent over the dearness allowance granted under Mr. Singh's award was directed to be given in the case of the seven cities of Lucknow, Agra, Meerut, Bareilly, Kanpur, Banaras and Gorakhpur and an increase of 25 per cent over such dearness allowance in other places. From the increases allowed certain deductions were to be made, *viz.*, any increase over the basic pay or dearness allowance fixed by Mr. Singh's award which had been paid by any bank and where a bank had not paid any dividend to its shareholders in 1949 any bonus which had been paid to the employees in respect of the period covered by the present award or any part thereof in the latter case it could be presumed that the bonus had been given mainly with the object of alleviating the sufferings of the employees due to the increased cost of living. Finally the Tribunal directed that in applying the above rules the maxima laid down in paragraph 17 of Mr. Singh's award should be disregarded and that any employee who had been receiving higher pay or pay in a better grade or higher allowances than had been awarded should continue to receive the same.

The next award[2] concerned 12 banking companies in Uttar Pradesh none of which existed in the said State at the date of Mr. B. B. Singh's award. Those banks were classified into the three classes mentioned in the said award. The following directions were given: "There may be more than one method of applying Mr. Singh's award and ours to the bank under consideration. We think that the fairest and simplest of such methods would be the following. Out of the total of the pay and the dearness allowances as are now being paid, credit may first be given to the extent of the full or maximum possible amount of the pay awarded by Mr. Singh, the balance, if any, being treated as the true dearness allowance; for it is admitted that certain banks, instead

1. Ministry of Labour's Notification No. LR-2(212)/I, dated the 30th August 1949, published in the *Gazette of India*, Extraordinary, dated the 31st August 1949, pp. 1507—1515.

2. Ministry of Labour's Notification No. LR-2(232)/I, dated the 8th October 1949, published in the *Gazette of India*, Part I—Section 1, dated the 15th October 1949, p. 1444—1445.

of paying increased dearness allowance have been giving increased pay, the increase really being for the enhanced cost of living. Under this method, if any difference is found between the dearness allowance arrived at by the method given above and what a workman would get as dearness allowance under the combined effect of the two awards (provided that the latter is greater), such difference can be taken as the increase to which the workman would be entitled. We direct that this method shall be followed in applying the two awards to the banks now under consideration."

The next award was about certain banking companies and their employees in Delhi and East Punjab[1]. According to the Tribunal, the question of interim relief depended mainly on two considerations: "(1) Whether the workman have been living under an intolerable strain owing to there having been an appreciable increase in their cost of living during, say, the last two years, without a corresponding rise in pay or allowances, and (2) what should be done in the case of the banks whose scales of pay and dearness allowance have always been, and are still, abnormally low." The Tribunal remarked, "As to the first question, we were unable to get the cost of living indices up to date of any city except Delhi in the area now under consideration and those indices relate only to the working class. In these circumstances we believe that it would not be unreasonable or improper to adopt the indices for Delhi as fairly representing the other places in the said area, with reference, particularly, to the question to what extent the cost of living has gone up during the last two years." According to the cost of living index figures published in the "Monthly Abstract of Statistics" for July 1949 the increase in the cost of living since 1947 was of 9 points in two years. The Tribunal concluded, "The fact that neither the local Government nor the Central Government has so far felt the necessity of referring the question of pay and dearness allowance of bank workmen for adjudication in the area under consideration as well as the fact that applications in writing have been received by the Tribunal for interim relief as late as August 1949 (the Tribunal having been appointed on the 13th June 1949), suggest that the need for interim relief in the said area cannot have been felt as acute or urgent." In view, however, of the fact that some of the banks had been paying abnormally low scales of wages and dearness allowance and the fact that some of the banks had felt the necessity, after introducing the scales of pay, etc., awarded by Mr. B. B. Singh in the United Provinces, of again raising the said scales, etc., it appeared to the Tribunal that at least some minimal scales of pay and dearness alowance should be fixed pending our final award. Accodingly the following minimal scales of pay and dearness allowances were laid down:—

	Pay		Dearness Allowance	
	Clerks	Subordinate staff.	Clerks	Subordinate staff.
	Rs.	Rs.	Rs.	Rs.
'A' Class Banks	60	25	30	25
'B' Class Banks	60	25	25	20
'C' Class Banks	55	22	25	18

From this award were excluded the banks which were members of the Displaced Banks Association and the banks named in Group 'D' of the scheduled

1. Ministry of Labour's Notification No. LR-2(243)/I, dated the 15th November 1949, published in the *Gazette of India*, Extraordinary, dated the 17th November 1949, pp. 2285—2288.

banks and the non-scheduled banks in Schedule I to the Notification of the 13th June 1949.

The demands for interim relief from employees of banking companies in the State of Bihar formed the subject matter of the next award [1]. The Tribunal came to the conclusion that there was no great urgency in the demand. It was, however, found that certain banks had been paying abnormally low scales of pay and dearness allowance, and the Tribunal directed the payment of the following minimal scales of pay and dearness allowance :—

	Pay		Dearness Allowance	
	Clerks	Subordinate staff.	Clerks	Subordinate staff.
	Rs.	Rs.	Rs.	Rs.
'A' Class Banks	60	25	25	20
'B' Class Banks	57	23	25	18
'C' Class Banks	55	20	20	15

The question of interim relief for employees of Banking Companies in the State of Bombay was next taken up [2]. The Tribunal refused to judge of the correctness or adequacy of Divatia J's Award, assuming so far as the inquiry in question was concerned, that he had taken into account all the relevant circumstances and that his Award had been properly made.

The Tribunal found that the increase in the cost of living at Bombay and Ahmedabad since the dates of Divatia J's Award regarding these places had not been such as to call for interim relief being awarded. As regards the banks situated in other places the following directives were given : "Out of the total of the pay and allowances now being paid, three-fourths of the pay awarded by Divatia J., should first be deducted as his legitimate pay, the balance, if any, being treated as the true dearness allowance now being paid ; and that where such dearness allowance is less than what we may call his legitimate dearness allowance, *i.e.*, what a workman would get as dearness allowance on the basis of his legitimate pay if Divatia J's Award for the Bombay Banks were applied the differences between the true dearness allowance and the legitimate dearness allowance shall be paid as interim relief. Where the total of the pay and allowances now being paid is less than three-fourths of the pay awarded by Divatia J., the dearness allowance to which the workman in question would be entitled under the said Award on the basis of his legitimate pay should be paid as interim relief. The calculation of the three-fourths shall be made to the nearest half-rupee." The non-scheduled banks were excluded from the operation of this award. By an award, dated the 21st February 1950, the scope of the interim relief award for the State of Bombay was extended to all the branches of the Bombay Circle of the Imperial Bank of India.

The next award as to interim relief concerned the State of West Bengal [3]. After due consideration of the rise in the cost of living since August 1947 in the State and other circumstances, the Tribunal awarded interim relief on the following lines :

1. Ministry of Labour's Notification No. LR-2(243)/II, dated the 15th November 1949, published in the *Gazette of India*, Extraordinary, November 17, 1949, pp. 2289—2291.

2. Ministry of Labour's Notification No. LR-2(243)/II, dated the 15th November 1949, published in the *Gazette of India*, Extraordinary, November 17, 1949, pp. 2291—2294.

3. Ministry of Labour's Notification No. LR-2(258)/III, dated the 26th December 1949, published in the *Gazette of India*, Part I—Section1, dated the 31st December 1949, pp. 1785—90.

1. *Imperial Bank of India (Bengal Circle).*—I. For the workmen of the Imperial Bank of India residing or working in Calcutta, Delhi or Kanpur the direction as to dearness allowance made by Mr. Chakravarty in his award was altered in the following respects:—

(*a*) In the case of members of the clerical staff, the minimum dearness allowance was raised from Rs. 50 to Rs. 55 per mensem; and in the case of the members of subordinate staff the minimum dearness allowance was raised from Rs. 25 to Rs. 30 per mensem.

(*b*) The following monthly scales of House Rent allowance was awarded to the clerical and subordinate staff where they were not provided with adequate living accommodation.

Clerical:

	Calcutta	Delhi	Kanpur
	Rs.	Rs.	Rs.
(*a*) Where basic pay does not exceed Rs. 100	10	8	6
(*b*) Where basic pay exceeds Rs. 100 but not Rs. 200 ..	15	12	9
(*c*) Where pay exceeds Rs. 200	7½ per cent of basic pay	6¼ per cent	5 per cent.
Subordinate staff	7/8	6/8	5

In the case of the employees of the branches of the Imperial Bank of India (Bengal Circle) except Calcutta, Delhi and Kanpur the awards of Messrs. Gupta and Chakravarty were made applicable. No interim relief was granted to the employees of the Exchange Banks which were following the Bengal Chamber of Commerce Scheme regarding dearness allowance.

II. *Central Bank of India, Bank of India and all Exchange Banks which did not follow Bengal Chamber of Commerce scheme regarding dearness allowance.*—(*a*) For the members of the clerical staff of the banks in this group dearness allowance was fixed at 40 per cent of the basic pay with a minimum of Rs. 40 whereas members of the subordinate staff were awarded to be paid at a flat rate of Rs. 30 per month.

(*b*) The following monthly scales of House Rent Allowance were also awarded to the members of the clerical and subordinate staff:—

Clerical Staff at Calcutta—

Grade	House Rent Allowance.
Pay not exceeding Rs. 100	Rs. 15
Pay exceeding Rs. 100 but not more than Rs. 200	Rs. 20
Pay exceeding Rs. 200	10 per cent of the pay
Subordinate Staff at Calcutta .. .. (not provided with adequate living accommodation)	Rs. 7/8 flat

III. As regards the workmen of the banks in Group 'B' (except the Indian Bank, Ltd.) the directions given were that the total emoluments should not be less than those payable under the Allahabad Bank award[1], the difference between the total emoluments being earned and those awarded by the adjudicator in the said award, if the latter be greater, being the interim relief granted.

---

1. *Calcutta Gazette*, Part I, dated April 7, 1949, p. 583.

6.55

IV. As regards the workmen of eight Banking Companies in Group 'C' who had asked for interim relief, the Tribunal directed that (with the exception of the Comilla Banking Corporation, Ltd., which had entered into an agreement with its employees) their emoluments should not be less than those awarded by Mr. P. R. Mukherjee for the Calcutta employees of the Hindustan Commercial Bank, Ltd.,[1] the difference between the total emoluments being earned and those awarded by Mr. Mukherjee, if the latter be greater, being the interim relief given. For the workmen of other banks who had not claimed any relief the Tribunal fixed certain minimal scales of pay and dearness allowance as follows :—

Pay		Dearness allowance	
Clerks	Subordinate staff	Clerks	Subordinate staff
Rs. 55	Rs. 22	Rs. 25	Rs. 18

As in the case of the awards relating to interim relief for the States of Delhi and Punjab and Bihar, the members of the Displaced Banks' Association and the banks named in Group 'D' of the scheduled banks and the non-scheduled banks in Schedule I to the Government Order, dated the 13th June 1949 were exempted from the operation of the said award.

In a subsequent award, dated the 16th June 1950, which was necessitated by a mistake in the above award, the Tribunal directed, in respect of workmen of the branches of the Bank of India in West Bengal, that with effect from the 1st June 1950, the house rent allowance payable to a clerk by the said bank shall be so adjusted that his total emoluments shall not exceed the greater of the following two, namely, the total emoluments payable to clerks in the Central Bank of India with similar years of service and the total emoluments he would have received if the interim award of 31st December 1949 had not been in force.

The last award[2] as to interim relief concerned the State of Madras. The following observation was made regarding the number of consumption units a new entrant might be presumed to maintain : "A new entrant, particularly in those times, is rarely burdened with a family at the date of his joining service and the contingency of his having a dependent or two would, in our opinion, be sufficiently met by presuming that such a person has to bear the expenditure of two consumption units." As regards the banks in Group 'A' in the Government Order, dated the 13th June 1949, the following directions were given : "The total of pay and dearness allowance (in whichever manner it may be apportioned between them) of a workman of a Bank in Group 'A' should not be less than the total of the pay and dearness allowance resulting from the Awards made by Messrs. R. Gupta and S. C. Chakravarty in the case of the Imperial Bank of India reduced by 16 2/3 per cent. If any such workmen should now be getting more emoluments than those directed to be paid by us he should continue to get them."

With regards to banks in Group 'B' the Tribunal directed that the award relating to the Allahabad Bank made in West Bengal (treated by us as the standard for the purpose of interim relief in the cases of such banks in that province) should similarly be followed with a deduction of 12½ per cent. As regards banks in Group 'C' it was thought sufficient to lay down only the

---

2. *Calcutta Gazette*, August 3, 1948.

1. Ministry of Labour's Notification No. LR-2(258)/III, dated the 26th December 1949, published in the *Gazette of India*, Part I—Section 1, dated December 31, 1949, pp. 1790—1793.

minimal scale of pay; and accordingly, for the banks situated in the City of Madras the following minimal scales were laid down:—

	Pay		Dearness Allowance	
	Clerks	Subordinate staff.	Clerks	Subordinate staff.
	Rs.	Rs.	Rs.	Rs.
'C' Class Banks	55	20	25	18

In respect of banks situated in places outside the City of Madras, the following minimal scales were laid down:—

	Pay		Dearness Allowance	
	Clerks	Subordinate staff.	Clerks	Subordinate staff.
	Rs.	Rs.	Rs.	Rs.
'C' Class Banks	55	20	20	15

The banks named in Group 'D' of the scheduled banks and the non-scheduled banks in Schedule I to the Government Order of the 13th June 1949 were excluded from the operation of the award.

By a subsquent award made in terms of an agreement, dated the 21st February 1950, between the Indian Bank, Ltd., Madras and its workmen, *gollas*, bill collectors and pass book writers of the said bank were placed in the same category of jetty clearing sircars of the Allahabad Bank for the purposes of interim relief.

The question whether this Tribunal had jurisdiction over a bank or a branch thereof situated in a State which had acceded to India but had not been merged therein was discussed at Bangalore. The Tribunal's conclusions on this question were that the Tribunal had jurisdiction over banks or branches thereof situated in India, as they were situated within the limits of "all the provinces of India" [section 1(2) of the Industrial Disputes Act, 1947] where the banking company concerned transacted the business of banking. "The banking company, even if its head office may be situated in a State where we have no jurisdiction, must be deemed to be physically present and to transact business, in such a case, at places within the limits of the Indian provinces and must, therefore, in so far be subject to our jurisdiction."